IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.278 OF 2006
IN
INCOME TAX APPEAL NO.714 OF 2004

Vishwasrao Naik Sahakari Sakhar
Karkhana Ltd. ..Appellant.

V/s.

Deputy Commissioner of Income Tax ..Respondent.

Mr.P.G.Chavan with S.S.Patwardhan for appellant.

Mr.Prashant Uchil for respondent.

CORAM : Dr.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATED : 22ND FEBRUARY, 2006.

P.C. :-

. Heard the learned counsel for the appellant and the respondent. By this Notice of Motion, the appellant is seeking to recall the order passed by the Prothonotary and Senior Master dismissing the above appeal on the ground of non removal of office objections. The learned counsel for the appellant states that all the office objections have been removed.

. Perused the affidavit filed in support of the Notice of Motion. Sufficient reasons are made out therein. There is no case of inaction, negligence or want of bonafides on the part of the appellant. Hence Notice of Motion is made absolute in terms of prayer clause (a) & (b) with no order as to costs.

(Dr.S.RADHAKRISHNAN,J.)

(J. P. DEVADHAR, J.)